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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,497	01/31/2007	Willem Jozef Lodewijk Peters	006553.00010	6769

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EXAMINER	
TOOM, IYAD F	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
05/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,497	PETERS, WILLEM JOZEF LODEWIJK	
	Examiner	Art Unit	
	IYAD TOOM	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/27/2006, 01/31/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

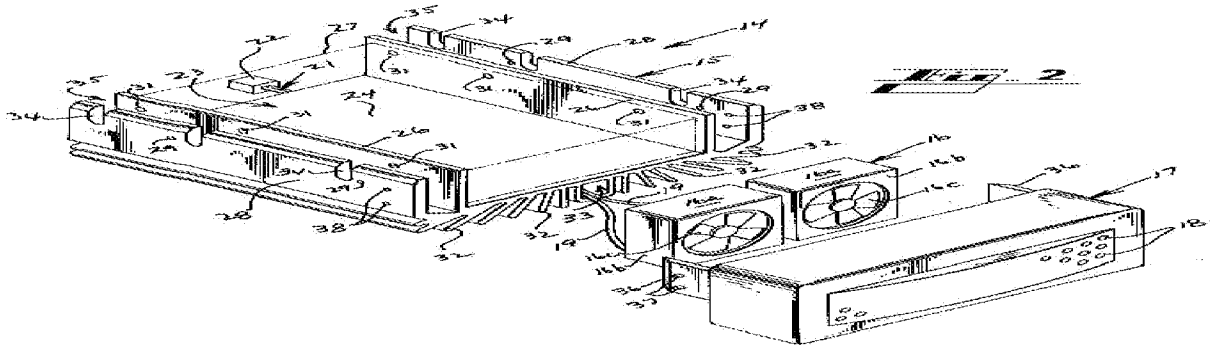
Claim10 objected to because of the following informalities: Claim 10 recites the limitation "the motor of the tool" in line 2, correct to –a motor of the tool--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

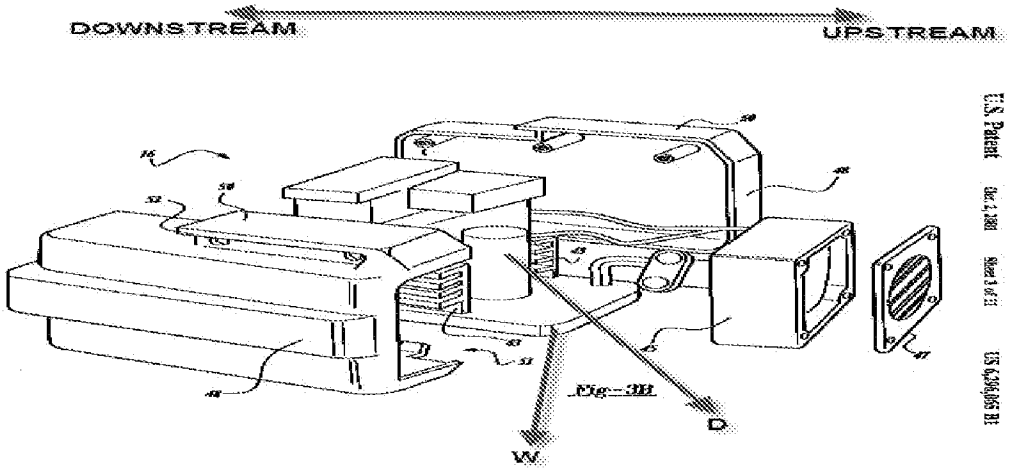
> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.



Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lin, US Patent No. 5,927,386.

In regard to claim 1, Lin discloses in fig. 2 above, an electric switch unit 14 comprises heat dissipating components 32, characterized in that the switch unit 14 comprises a fan 16a which is adapted to cool the heat dissipating components (this is functional recitation in which the fan 16a is capable of performing).

Claims 1-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Carrier et al., US Patent No. 6,296,065 listed on applicant's IDS.



In regard to claim 1, Carrier et al discloses a switch unit 16 comprising as in annotated Fig. 3B above a heat dissipating components D (col. 6, lines 37-45 and Fig. 8 different heat dissipating components that are part of the switch unit) and a fan 45 which is adapted to cool the heat dissipating components (this is an intended use limitation, in which Carrier et al fan is capable of performing).

In regard to claim 2, Carrier et al. discloses in annotated Fig. 3B above that the fan is adapted to generate air flow moving along the heat dissipating components D (this is functional recitation in which Carrier et al fan 45 is capable of performing).

In regard to claims 3-4, Carrier et al discloses in Annotated Fig. 3b above that some of he heat dissipating components are thermally coupled to a cooling body 43, Annotated above also shows that the fan 45 is adapted to cool the cooling body 43 and generate an air flow moving along the heat-dissipating components (this is functional recitation in which Carrier et al fan 45 is capable of performing).

In regard to claim 5, Carrier et al discloses in Fig. 8 a temperature sensor 134 for controlling the fan subject to the temperature of the heat-dissipating components sensed by the temperature sensor 134 (this is intended use limitation in which Carrier's temperature sensor is capable of performing).

In regard to claim 6, Carrier et al discloses in fig. 8 and col. 6, line 55 a power supply 124 that is connected to the fan 45 to send power signal to the fan 45.

In regard to claim 7, Carrier et al. discloses in Annotated Fig. 3B above that the fan 45 is placed in a wall W of the housing 48 of the switch unit 16.

In regard to claim 8, Carrier et al. discloses in Annotated Fig. 3B above that the fan 45 is placed upstream of the components for cooling in the airflow.

In regard to claim 9, Carrier et al discloses in Annotated Fig. 3B above a suction opening 47 for air is arranged upstream of the fan in the housing 48.

In regard to claim 12, Carrier et al. discloses in Fig. 1 an electric tool 12 comprising a switch unit 16 according to claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrier et al as applied to claim 1 above, and further in view Moores et al., US Publication No. 2002/0034682.

In regard to claims 10-11, Carrier et al discloses as in Annotated Fig. 3B above a fan 45 that is adapted to generate airflow to cool heat dissipating components D, Carrier et al. discloses in the Abstract that the tool 12 has a motor, however, Carrier et al does not explicitly disclose that the fan 45 is adapted to generate an air flow extending through the motor of the tool. Moores et al shows in Fig. 1 an electric tool which has cooling fan, the fan cools various heat generating components 36, in addition, the fan has a space that extends through the body of the tool which enables it to cool other parts of the tool including tools motor, in view of Moores et al. cooling fan and electric tool, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Carrier et al system to adapt the 45 to cool various components within the tool 12 including the motor of the tool so as to extend the life of the motor which and further to enable the motor of the tool to operate safely in different operating conditions.

Further in regard to claim 11, Moores et al shows in Fig. 1 the fan with more than one air stream generated by the fan (indicated by the arrows) and it would have been obvious to further modify Carrier et al system to adapt the fan 45 to generate two air flows as taught by Moore so as to simultaneously cool the motor of the tool and the heat

dissipating components D which helps to further improve the system operation and extends the system life.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IYAD TOOM whose telephone number is (571)270-7395. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules or Cheryl Tyler can be reached on 571-272-6681 or 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/30/2009
/I. T./
Examiner, Art Unit 3744

/Frantz F. Jules/
Supervisory Patent Examiner, Art Unit 3744